

*William J. Thurman*

Honorable William T. Thurman  
United States Bankruptcy Judge



Entered on Docket  
November 28, 2012

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

\* \* \* \* \*

In re: ) BK-S-09-31603-MKN  
) Chapter 7

WILLIAM A. GAYLER, )

Debtor. )

JOHN D. O'BRIEN, AS THE TRUSTEE OF ) Adv. Proceeding No.: 11-01027-MKN  
THE JOHN D. O'BRIEN PROFIT SHARING )  
PLAN, DONALD CAMPBELL, COLBY )  
WILLIAMS, MARIO P. BORINI, )  
INDIVIDUALLY AND AS CHAIRMAN OF )  
THE BOARD OF TRUSTEES OF THE )  
ALEXANDER DAWSON FOUNDATION, )

Plaintiffs, )

v. )

WILLIAM A. GAYLER, )

Defendant. )

**FINAL JUDGMENT**

On August 20, 21 and 22, 2012, the Court conducted a Trial on John D. O'Brien, as Trustee of the John D. O'Brien Profit Sharing Plan, Donald Campbell, Colby Williams, and Mario P. Borini's nondischargeability action against Debtor-Defendant William A. Gayler

1 (“Gayler”).

2 On October 10, 2012, the Court pronounced its oral Findings of Fact and Conclusions of  
3 Law pursuant to Fed. R. Civ. P. 52, which is incorporated by Fed. R. Bankr. P. 7052. The Court  
4 now incorporates those Findings and Conclusions, in pronouncement of this Judgment, made  
5 pursuant to Fed. R. Civ. P. 54, which is incorporated by Fed. R. Bankr. P. 7054.

6 Accordingly, it is **ORDERED**:

- 7 1. Mario P. Borini’s claim, as an individual, against Gayler is **DISALLOWED**.
- 8 2. John D. O’Brien, as Trustee of the John D. O’Brien Profit Sharing Plan, Donald  
9 Campbell, and Colby Williams’ (“Prevailing Plaintiffs”) claims against Gayler are  
10 **ALLOWED**.
- 11 3. The Prevailing Plaintiffs are awarded judgment against William A. Gayler in the amount  
12 of \$500,000, with damages attributable as follows:
  - 13 a. John D. O’Brien, as Trustee of the John D. O’Brien Profit Sharing Plan:  
14 \$250,000.00
  - 15 b. Donald Campbell: \$125,000.00
  - 16 c. Colby Williams: \$125,000.00
- 17 4. The Prevailing Plaintiffs are awarded post-judgment interest at the legal rate from the  
18 date of this Judgment.
- 19 5. The Prevailing Plaintiffs’ Judgment against William A. Gayler is nondischargeable  
20 under 11 U.S.C. § 523(a)(2)(A).

21 **IT IS SO ORDERED.**

22  
23 Copies noticed through ECF to:

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2  
3 and sent to BNC to:

4 WILLIAM GAYLER  
5 9960 WEST CHEYENNE AVENUE, SUITE 160  
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7 DIAMANTE ROSE, LLC  
8 2431 TECH CENTER CT.  
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11 FIRST AMERICAN TITLE INSURANCE COMPANY  
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